

Waste & Recycling Update

In March 2019, only two weeks after introduction and without public discussion, the City of Pittsburgh enacted an ordinance which repealed the existing language of Chapter 619: Refuse Collection and Recycling in its entirety and replaced it with a *new* Chapter 619: Municipal Waste and Recycling. The ordinance was signed by the Mayor on March 28, 2019. The goal of this ordinance is to "streamline municipal waste and recycling practices" in the City of Pittsburgh. Unfortunately, this ordinance will cause confusion in the multifamily sector.

Beginning only this month, the City provided information about the new requirements, including releasing the ordinance-required "Waste and Recycling Fact Sheet" drafted by the City, during the course of two June workshops. Once again, although many of the new policies and procedures are relevant to multifamily properties, neither the Apartment Association nor any property management companies were invited to assist in their development.

As a result, many of the new City requirements are inconsistent, even directly contradictory, with multifamily management business practices and the contracts it may have private collection companies. Please follow the links included to the legislation and a Letter to Landlords, which -- along with the Waste and Recycling Fact Sheet, were made public only in the past two weeks, at the June workshops. The City says its new waste and recycling rules will go into effect **July 1, 2019**.

The City's newly-released guidance materials about the City's requirements regarding the size of the waste containers, the procedure and times for collection are directed to ALL leased residential properties City-wide and must be made part of all tenant leases therein, *irrespective of whether the property is or isn't even eligible for City collection*.

It makes no sense to require that the tenants of a 200-unit building (one not eligible for City collection) be required to sign a lease addendum stating that they agree to put their recyclables in a blue container or bagged in a blue plastic recycling bag, when the private collection company which actually services that building has mandated that all recycling be LOOSE and prohibits ALL plastic bags -- even the blue ones -- from being in recycling containers at all.

Knowing which types of plastic are or are not recyclable is difficult enough -- particularly as "what is recyclable" is, in itself, a moving target determined by international market forces. For example, for multifamily properties (and even local municipalities) with private collection contracts, the across-the-board recycling rules for different types of plastics and glass have changed at least three times in the past six months alone. See, ["Western Pennsylvania wrestles with China's recycling restrictions."](#)

In short, irrespective of what is "waste" and what is "recyclable," the City's new ordinance states:

(1) Recycling is mandatory in the City of Pittsburgh and failure to recycle -- or recycle properly - - can result in fines against the owner and, if leased, the tenant;

(2) The owners/managers of leased single-family dwellings and small apartment buildings (fewer than 6 units) must purchase and provide the appropriate waste and recycling containers for their buildings and the tenants therein;

(3) for single family dwellings and small apartment buildings, the ordinance establishes new rules as to where containers must be stored and procedures for when and how owners / tenants must set out the appropriate containers for collection; and

(4) the owners/managers of multifamily properties that are ineligible for City collection (buildings with 6 or more units) and, therefore, have long had contracts for collection with private companies, must now store the dumpsters or other containers only in certain locations (which may be contrary to longstanding practice or the non-conforming nature of the property) and must now label such receptacles -- even if the building owner does not own the dumpster or toter itself -- with the owner's/manager's name and property address.

Unfortunately, the ordinance mistakenly presumes that in every leased single family dwelling and small apartment building City-wide, the tenant alone is responsible for transporting waste and recycling containers before and after collection. As such, the fact that leased properties may be subject to professional management agreements which include refuse collection/transportation as a part of regular management services is overlooked in the ordinance.

Accordingly, there are no limitations, waivers or exemptions permitted -- other than if one has a documented health condition or disability which prevents the owner or tenant from carrying the containers. As such for some AAMP-member companies, compliance may be difficult, if not impossible.

Now that the guidelines and the "Fact Sheet" have been made public, AAMP is working to propose amendments to this ordinance ... which, if approved, would go a long way towards the City's laudable goal of "streamlining" these practices. In the meantime, consistent with your company's existing business and management practices, exercise good faith in complying with these new waste and recycling rules.

To the extent that there are specific aspects of the ordinance that pose problems for you or your tenants, in addition to voicing your complaints to your City Council representative, please let us know so that we can include these comments in our meetings with the City